UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 October 2009</u>.

2a)☐ This action is **FINAL**.　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-16</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-16</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>08 September 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>08/27/2007</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   In view of the appeal brief filed on 10/22/2009, PROSECUTION IS HEREBY

REOPENED.   New ground of rejection set forth below.

To avoid abandonment of the application, appellant must exercise one of the

following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply

under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed

by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and

appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth

in 37 CFR 41.20 have been increased since they were previously paid, then appellant

must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by

signing below:

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Response to Arguments

2.   Applicant's arguments, see pages 8-9 filed 04/13/2009 with respect to the

rejection of claims 1-16 under 35 U.S. C 102 (b) have been fully considered and are

persuasive. Therefore, the rejection has been withdrawn. However, upon further

consideration, a new ground of rejection is made in view of Durst JR. et al., "Durst"

(U.S. Publication number 2001/0032252A1).

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   Claims 1-4, 9-10 and 13-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, in lines 3 and 5, phrase "operable to" what is "operable to" mean? It is unclear and requires further clarification. Claims are indefinite. Claims 9-10 and 13-14 are rejected for above similar reason. Therefore above claims examined as best understood by examiner.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by   Durst JR. et al., "Durst" (U.S. Publication number 2001/0032252A1).

Regarding claim 1, *Durst discloses* a terminal device registrable *(register)* on a network (network) *(see abstract and fig.1 and paragraph [0021]),* comprising:

an input unit *(i.e., scanning)* operable to input from a printed medium *(i.e., "printed*

materials") a first graphic code *corresponding* to first information *(i.e., graphic or symbol*

of the barcode) (see fig.1 and paragraphs [0019], [0020], [0021] and [0022]);

a communication unit (*network or URL or web server or internet)* operable to use

the first information as terminal identification information *(i.e., graphic or symbol of the*

barcode) to establish communication through the network as registered device *(see*

figs.1 and 2 and paragraphs [0019], [0020], [0021] and [0022]).

Regarding claim 2, *Durst discloses* the terminal device according to claim 1,

wherein the input unit *(i.e., scanning)* is operable to input from a printed medium *(i.e.,*

"the printed materials") a second graphic code corresponding to second information

associated with the first information *(see paragraph [0053])*, and the communication

unit (network or URL or web server or internet) includes an acquiring unit operable to

acquire the second information based on the second graphic code (*i.e., printed adjacent*

to the bar code 16 on the printed document") (see figs.1 and 2 and paragraphs [0019],

[0020], [0021] and [0022] and [0053]).

Regarding claim 3, *Durst discloses* the terminal device according to claim 2,

wherein at least one of the first graphic code and the second graphic code is information

encoded (*encode)* in accordance with predetermined image patterns (*i.e., "scanning*

bar code") (see abstract and paragraph [0008] and fig.2).

Regarding claim 4, the terminal device according to claim 1, wherein the input

unit comprises a camera.

Regarding claim 5, *Durst discloses* a method for communicating in a network *(network or internet or web server) (see abstract and fig.1),* comprising:

Registering (register) a terminal device (*see paragraph [0021] and [0060], [0064]*);

inputting from a printed medium (i.e.," printed document") a first graphic code *(i.e., graphic or symbol of the barcode)* corresponding to first information using the first information as terminal identification information (*i.e. bar code or symbol*) to establish communication through the network *(network)* as a registered device *(see figs.1 and 2 and paragraphs [0019], [0020], [0021] and [0022])*

Regarding claim 6, *Durst discloses* the communication method according to claim 5, further comprising:

inputting from a printed medium (*i.e., "print document")* a second graphic code corresponding to second information associated with the first information(*i.e., printed adjacent to the bar code 16 on the printed document") (see figs.1 and 2 and paragraphs [0019], [0020], [0021] and [0022] and [0053]);* and

acquiring the second information based on the second graphic code (*i.e., printed adjacent to the bar code 16 on the printed document") (see figs.1 and 2 and paragraphs [0019], [0020], [0021] and [0022] and [0053]).*

Regarding claim 7, *Durst discloses* the communication method according to claim 6, wherein at least one of the first graphic code and the second graphic code is information encoded (encode) in accordance with predetermined image patterns (*i.e., "scanning bar code") (see abstract and paragraph [0008] and fig.2).*

Regarding claim 8, *Durst discloses* the communication method according to claim 5, wherein the inputting step includes obtaining an image of the first graphic code using a camera *(i.e., scanning comprises camera) (see paragraphs [0009] and [0010])*.

Regarding claim 9, *Durst discloses* a server *(see fig.2, www.paperclick.com)*, comprising:

a storage unit *(i.e. content storage)* operable to store operating instructions and pieces of content, each of the operating instructions corresponding to one of a first series of graphic codes *(i.e., "graphic or symbol of the bar code") (see figs.1 and 2, and paragraphs [0019] and [0026])*

each of the pieces of content corresponding (i.e., dynamic/active content) to one of a second series of graphic codes *(see fig.2 and paragraph [0024], [0026], [0033] and [0034])*;

an input unit *(i.e., "scanning")* operable to input from a printed medium *(i.e., "printed materials")* a selected one of the first series of graphic codes corresponding to one of the operating instructions *(i.e., graphic or symbol of the barcode) (see fig.1 and paragraphs [0019], [0020], [0021] and [0022])*; and

a selected one of the second series of graphic codes (graphic code) corresponding to one of the pieces of content (see paragraph [0009] and [0010]; and

an operating unit *(a bar code scanning /reading device)* operable to execute (i.e., "software") the one of the operating instructions with respect to the one of the pieces of content *(see paragraph [0061])* .

Regarding claim 10, *Durst discloses* the server according to claim 9, wherein the input unit comprises a camera *(i.e., scanning comprises camera) (see paragraphs [0009] and [0010])*.

Regarding claim 11, *Durst discloses* a method of processing content, comprising:

establishing a series of operating instructions *(i.e., operating with associated bar code processing software device) (see paragraph [0061])* and a first series of graphic codes (i.e., "graphic file in the form of a bar code"), each of the graphic codes in the first series of graphic codes corresponding to one of the operating instructions i.e., *operating with associated bar code processing software device)* (see paragraph [0018] [0034] and [0061]);

storing pieces of content *(see fig.2 and paragraphs [0018] and [0026])* and a second series of graphic codes *(i.e., graphic code),* each of the graphic codes in the second series of graphic codes corresponding to one of the pieces of content *(see figs.1 and 2 and paragraph [0026] and claim 2);*

selecting one of the operating instructions *(i.e., "software")* by inputting from a printed medium *(i.e., the print document)* one of the first series of graphic codes (i.e., graphic code) corresponding to the selected operating instruction (i.e., software) *(see paragraph [0009] and [0010] and [0061]);*

selecting one of the pieces of content by inputting from a printed medium, *(i.e., "the print document")* one of the second series of graphic codes corresponding to the selected piece of content *(see paragraph [0009] and [0010] and [0061]);* and

processing the selected piece of content based on the selected operating instruction

(*i.e., operating with associated bar code processing software device*) *(see paragraphs*

[0009] and [0061]).

Regarding claim 12, *Durst discloses* the method of processing content according

to claim 11, further comprising:

storing storage locations (*i.e., dynamic and active content storage*) *for each of the*

pieces of content *(see items 42, fig.2 and paragraph [0026])* and

a third series of graphic codes *(selecting content , i.e. different graphic code such*

as first graphic code, second graphic code and third graphic code), each of the graphic

codes in the third series of graphic codes corresponding to one of the storage locations

(i.e., static content storage) (see item 44, fig.2 and paragraph [0026]);

inputting (*i.e. scanning*) from a printed medium (*i.e., printed document*) one of the

third series of graphic codes corresponding to the storage location of the selected piece

of content *(see paragraphs [0010], [0019] and claim 4);* and

  retrieving (retrieves) the selected piece of content from the storage location *(see*

paragraphs [0020] and [0127]).

Regarding claim 13, *Durst discloses* a communication network (network or

internet or web server) (see abstract and fig.1), comprising:

a server (*i.e., "data base"*) operable to store data (*see paragraph [0026];* and

a plurality of terminal devices *(i.e., plurality of servers)* operable to send data to the

server (*see paragraph [0024]*) and to receive data from the server, each of the terminal

devices including an input unit *(i.e., scanning)* operable to input from a printed medium

(i.e., print document) a first graphic code *(i.e., graphic code)* corresponding to first

information *(see paragraphs [0010], [0018], [0024] and claim 20)* and

a communication unit (internet or web server or network) operable to use the first

information as terminal identification information (i.e., graphic code) to establish

communication with the server *see paragraphs [0018], [0183] and claim 1).*

Regarding claim 14, *Durst discloses* the communication network according to

claim 13, wherein the server includes a storage unit operable to store operating

instructions (i.e., database system such as Microsoft server) *(see paragraphs [0026]*

[0168] and [0229]) and

pieces of content, each of the operating instructions corresponding to one of a first

series of graphic codes *(i.e., a bar code scanning/reading device operating with*

associated bar code processing software) see paragraphs [0025] and [0061])

and each of the pieces of content corresponding to one of a second series of graphic

codes *(i.e., a bar code scanning/reading device operating with associated bar code*

processing software) (see paragraphs [0025] and [0061]);

an input unit (i.e., scanning/reading) operable to input from a printed medium (i.e.,

print document) a selected one of the first series of graphic codes (graphic code)

corresponding to one of the operating instructions (*i.e., operating with associated bar*

code processing software device) (see paragraph [0009] and [0010] and [0061])

and a selected one of the second series of graphic codes corresponding to one of the

pieces of content (*i.e., a graphic, including a bar code, associated with a web-based*

document including the content) (see paragraphs [0009] and [0010]); and

an operating unit (*i.e., scanning*) operable to execute the one of the operating

instructions (*i.e., operating with associated bar code processing software device*) with

respect to the one of the pieces of content (see paragraphs [0010] and [0019] and

[0061] and claim 4).

Regarding claim 15, Durst *discloses* a method of downloading content from a

storage unit (storage device) to a terminal device *(see paragraphs [0009] and [0018])* ,

comprising:

Storing in the storage unit terminal identification information for the terminal device

(see paragraphs [0009], [0026], [0066], [0168], [0194]);

storing in the storage unit pieces of content *(see paragraphs [0009], [0026],*

[0066], [0168], [0194]) and a first series of graphic codes (*i.e., graphic with bar code*

onto a physical document), each of the graphic codes in the first series of graphic codes

corresponding to one of the pieces of content *(see paragraphs [0009], [0010] and*

[0018]);

Selecting one of the pieces of content at the terminal device by inputting *(i.e.,*

scanning) from a printed medium (i.e., printed document) one of the graphic codes in

the first series of graphic codes corresponding to the selected piece of content (see

(see paragraphs [0009], [0010] and [0018] and [0061]) ;

Converting (convert) the one of the graphic codes in the first series of graphic

codes into content information corresponding to the selected piece of content (see

paragraphs *(see paragraphs [0009], [0010] and [0018])* and [0027]);

transmitting the content information (send, i.e., transmit) (see paragraph [0020])

and the terminal identification information (i.e., graphic code) from the terminal device

to the storage unit *(see paragraphs [0009], [0026], [0066], [0168], [0194])* ;

retrieving (retrieve) the selected piece of content based on the content

information *(see paragraph [0020])*; and transmitting (i.e., sending) the selected piece of

content from the storage unit to the terminal device based on the terminal identification

information *(see paragraphs [0009], [0026], [0020] [0066], [0168], [0194])*.

Regarding claim 16, *Durst discloses* the method of downloading content according

to claim 15 (see paragraph [0018]), further comprising:

establishing a series of operating instructions *(i.e., operating with associated bar

code processing software) (see paragraph [0061])*

and a second series of graphic codes, each of the graphic codes in the second series of

graphic codes corresponding to one of the operating instructions *(i.e., operating with

associated bar code processing software)*, the series of operating instructions including

a download operating instruction *(i.e., operating with associated bar code processing

software)* (see paragraphs [0009], [0010], [0019] and [0061]);

selecting the download operating instruction at the terminal device by inputting

(scanning/reading) from a printed medium (i.e., print document) one of the graphic

codes in the second series of graphic codes corresponding to the download operating

instruction *(i.e., operating with associated bar code processing software) (see

paragraphs [0009], [0010], [0018] [0019] and [0061])*;

converting *(convert)* the one of the graphic codes in the second series of graphic

codes into operating information corresponding to the download operating instruction

(see paragraphs [0009], [0010], [0018], [0019], [0021] and [0061]);

transmitting *(i.e., sending information)* the operating information from the terminal

device to the storage unit *(see paragraphs [0018], [0019]);* and

transmitting *(i.e., sending information)* the selected piece of content from the

storage unit to the terminal device based on the terminal identification information and

the operating information *(see paragraphs [0009], [0010], [0018], [0019], [0021] and*

[0061]).

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to AKLILU k. WOLDEMARIAM whose telephone number is

(571)270-3247. The examiner can normally be reached on Monday- Friday 8:00 a.m-

5:00 p.m EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Bali Vikkram can be reached on 571-272-7415. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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